

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

**Hawks Cay, Duck Key, FL
Tuesday, February 21, 2012**

DRAFT MINUTES

Members Present

Chris Bergh
Jeff Cramer
Ben Daughtry
Dolly Garlo
Richard Grathwohl
David Hawtof
Debra Illes
Don Kincaid

Steven Leopold
Jerry Lorenz
David Makepeace
Corey Malcom
Rob Mitchell
Martin Moe
Ken Nedimyer
Bruce Popham

Alternates Present

Clinton Barras
Joe Boyer
Bill Chalfant
Bill Kelly
Kristie Killam

Jessica Pulfer
Suzy Roebling
Bob Smith
Leah Wilde-Gould

**Call to Order/Pledge of Allegiance/Roll Call/Approve Minutes from December 13, 2011
Meeting/Adopt Agenda for This Meeting/Chairperson's Comments, Introductions**

Chair Bruce Popham called the meeting to order at 9:05 AM. He mentioned he had been at the Miami boat show, and many boats were sold this year by various folks, which is a good sign for the economy. He thanked Sanctuary Advisory Council (SAC) coordinator, Lilli Ferguson and the Florida Keys National Marine Sanctuary (FKNMS) staff for the work they did to prepare for the meeting.

Chair Popham said the locations of the SAC meetings were changing, and for SAC members to pay attention to the agendas for locations. The next one is at the Marathon Government Center.

He noted there were two public comment periods during the meeting; people wishing to comment then so should fill out the public comment sheet and provide it to Ms. Ferguson. People would get three minutes.

Approval of the draft minutes of the December 13 SAC meeting was moved by Corey Malcom and seconded by Chris Bergh. Richard Grathwohl asked that on p. 3 the language be changed to say "water coming off the bridges." He also asked that on p. 8, the language "a few months ago" should be changed to "a few years ago." David Hawtof said on p. 3, the language should be changed to say he was asking if people could anchor outside of mooring fields, and also he said to leave the text about pumpouts out. With those changes, hearing no objection, Chair Popham deemed the minutes approved. **ACTION ITEM:** Ms. Ferguson to make the changes and disseminate the final December SAC meeting minutes.

Approval of the meeting agenda was moved by Ken Nedimyer and seconded by Dolly Garlo. Chair Popham pointed out some minor things on the agenda that had changed since the draft was disseminated; Kathleen O'Keefe was added as a Florida Fish and Wildlife Conservation Commission (FWC), Fish and Wildlife Research Institute (FWRI) speaker for the Geographic Information Systems (GIS) item; "Harry"

Norris was changed to “Henry” for that agenda item; and Anne Morkill was added as a speaker to the SAC Communications Training item. With these changes, Chair Popham deemed the agenda approved. *ACTION ITEM:* Ms. Ferguson to make the changes on the final agenda.

Chair Popham remarked he hoped people saw articles in the *Keynoter* and *The Citizen* on the zoning process. He and Sanctuary Superintendent Sean Morton made a presentation in Marathon to the Chamber of Commerce, and one to the Marathon Rotary. They got good feedback, and everyone seemed to understand what we are trying to do. He said education was a big part of the process. He mentioned additional upcoming speaking engagements.

- Mr. Bergh said he was hearing about the ability to comment, but he noted also the rumor mill was saying things about people not being able to anchor in the Lakes, etc. He noted people can comment on anything, and no recommendations have been made yet.
- Chair Popham agreed, and commented he even had to correct the press.
- David Makepeace said he had a conversation with the same reporter Chair Popham did, and had made some of the same points, and explained the process would be described at a SAC meeting. For the process in general, sometimes the same points had to be made to the same people, he observed.
- Joe Boyer suggested setting up a clearinghouse of frequently asked questions on the website.
- Mr. Morton said they would go over a lot of the communications things in the afternoon, and would even have a bit of role play; he recommended pointing people with questions to the web site. He said things could be added there, but he did not want to chase the rumor mill. He asked the SAC to encourage people to go to the scoping meetings.
- Mr. Grathwohl said he had a standing reputation with the reporters that if they misquote him, they will not get another quote out of him.

GIS/Spatial Science Capabilities – Mr. Norris and Ms. O’Keife, FWC, FWRI

Mr. Morton gave an introduction, explaining the speakers would be describing how GIS could be used to make decisions. He encouraged the SAC to ask questions about GIS capabilities and things members would like to see later in the process, including maps, handouts, etc. The information coming from workshops will be used to make decisions later, he stated.

Mr. Norris said he and Ms. O’Keife were from the FWC St. Petersburg office, but they work on Keys issues. He shared he was a Florida Keys Community College (FKCC) graduate and got married in Key West. He said the Center for Spatial Analysis would be helping. The center has over 30 scientists, and though not in Keys, they are doing work in the Keys. The center does traditional mapping, spatial modeling, development of internet applications, and assists with oil spill planning and response. They also do targeted mapping and provide GIS support.

He said they would bring one or two staff members into each meeting, who would try to capture data and information in real time, presented in map form. The information will be viewable after the sessions too.

Ms. O’Keife talked about what GIS was. She described that every place on the planet had a latitude and longitude, and could be represented by a point or a line, or by a polygon. In explaining what was important about GIS, she said everything had attributes, such as beach access, a boat ramp, the name of a building, water depth, patchy or continuous seagrass, or the agencies managing the area. The information gets stored in a geo database, and it may be lengthy or complex. A relational database is part of the system, which also has software, middleware, computers and plotters. They can take the systems with them to an oil spill or to other field activities. She described the creation of layers, which can include location, trends, and spatial patterns. They can also model different scenarios. In addition, they do remote sensing, using satellites, LIDAR, sonar data, photographs, etc. and use this information in mapping. They can pull out things like Chlorophyll A, which helps with looking at harmful algal blooms. Different tools help with different needs, she observed. It will really be the SAC who will guide where it goes.

FWRI is the largest repository of Keys information, Ms. O'Keife said, and it is used for analysis and modeling, habitat mapping, science and management, education and outreach, resource management, internet map services, and emergency response. People can go to Myfwc.com/research to get to the GIS web page. On the internet, data and metadata may be downloaded in different forms. It helps to determine how reliable the data is. She demonstrated a "flex application," which they build for very targeted use. She said they can create just a few layers, and then add more as needed. She also showed some live examples of GIS mapping from the internet.

- John Hunt asked her [to describe] what metadata was.

Ms. O'Keife replied it was data about data, or a description of the data. For example, it could have the name of the layer, who created it, when it was created, and how it was created. It may also have various projections, or ways to view/use the data, the confidence and constraints of the data. She then showed some of the various layers with information about the Keys and south Florida. Regarding Google Earth, she noted Google did not create any of it; they harvest data other people have created. FWRI often obtains data from contractors and partner agencies.

She showed a flex application for temperature monitoring in the Keys. There are lots of widgets, or tools, available. The temperature monitoring data included bottom and surface data points, and several different studies had data that could be viewed. She walked the group through different tool buttons.

- Mr. Moe said some time back, there was a saying, "Garbage in, garbage out." He asked if there was a way to assess this for the data coming in.

- She said yes, if there was metadata associated with it. Sometimes they get anecdotal data and may not know, for instance, what type of handheld device was used, or if the person knew what *Acropora* looked like. Sometimes such information is still the best available.

- He asked if a person could contact an agency through the metadata.

- She said it included a position, rather than a name, since people come and go.

- Mr. Morton said there were standards associated with metadata, and data requirements all the way to the end. A good example was the Condition Report.

- Mr. Nedimyer asked if could a screen shot could be emailed, and Ms. O'Keife replied there was a tool that allowed that.

- Chair Popham asked if the new coral protected areas were included for the South Atlantic Fishery Management Council (SAFMC).

- She said they had all of that data; they do all the mapping for the SAFMC.

- Dr. Boyer asked about oceanographic modeling products.

- Mr. Norris said they would ingest others' models and display them, but they do not create models. For example, they may use data to predict where shrimp are.

- Ms. O'Keife said they had a grant from the Southeast Coastal Ocean Observing Regional Association. FWC built a site using biological and oceanographic data that includes National Oceanic and Atmospheric Administration (NOAA) Nowcast models, and data and models from University of North Carolina Chapel Hill and the Rosenstiel School of Marine and Atmospheric Science, along with radar. The information from Chapel Hill is real time.

- Mr. Moe asked if GIS could be used to go back in time to show what happened at a point in the past.

- Yes, if the data existed, she replied.

Mr. Norris then showed a desktop application, developed some years ago for oil spill response. He encouraged people to think of it in terms of a generic tool. He showed how various spatial layers could be selected, and how a specific location could be found. He said it sometimes took a few minutes for the data to load. He selected three islands, and he made them a separate layer, and then made them a shape

file layer. The result showed the wading bird habitat in that area. He showed how, hypothetically, if a group wanted to create a jet ski buffer, how that would be done in GIS. He also showed how buffer areas, vessel corridors, etc. could be depicted to help frame a discussion.

Ms. O'Keife said an update to the Environmental Sensitivity Index (ESI) was being done by a contractor to NOAA; the indices were originally done in the 1990s.

Once "Analyze" is clicked, a report is generated after a few minutes, and it will say how much of any one thing was there, such as acres of hardbottom with seagrass. Data does not have to be in GIS format; it may be a spreadsheet, address, or location, for example.

- Bill Chalfant asked if the ESI was accessible through their site.
- Mr. Norris said it was, and he also could put Mr. Chalfant in touch with those who had historical data.
- Ms. O'Keife said how "granular" the data was depended on a user's needs. For an oil spill, a point is all that was needed for a shipwreck.
- Mr. Chalfant asked if the date the data was collected was included, and Mr. Norris said it was.
- Clinton Barras asked how to get the FWC data on Google Earth.
- Ms. O'Keife advised downloading Google Earth first, then going to the FWC download page. The information comes to a user's computer as a zip file.
- Mr. Morton said they would get information out about how to access these things. *ACTION ITEM*: Mr. Morton to ensure information about how to access FWC research data is disseminated.
- Mr. Grathwohl mentioned the need to verify data with actual observations; someone else commented he meant groundtruthing.
- Ms. O'Keife responded an iterative process could be done.

Chair Popham thanked them, commenting this GIS work will help in being as fact-based as we can going through this process.

Public Comment

Capt. Ed Davidson described himself, and mentioned how he had nominated Looe Key as the first National Marine Sanctuary in the nation. He said it was marvelous to see the tools available now. He said they always had in mind the original proposals would be evaluated for inclusion of bigger, more representative, cross-sectional areas. He was glad the SAC was looking at all those things. GIS uses data, models, and players, he commented, but it still came down to the human factor, particularly in the use and utilization. He said there would be concessions for all to make, but he wanted the marvelous habitat in the Keys, the foundation of the economy, to survive into the future so all people could enjoy it and so everybody's kids and grandkids could have jobs in the Keys.

Chair Popham thanked him.

Nominations for SAC Chair and Vice-Chair Election in April 2012 – Chair Popham, SAC

Chair Popham said the nominations would be taken today for the election at the April meeting. Nominees must accept the nomination, and if someone is not present, Ms. Ferguson will contact the person to determine acceptance. Those elected will take over after the April SAC meeting.

- Mr. Grathwohl stated he had talked to Mr. Curlett, who did not want it.

Chair Popham stated some time back the SAC talked about the idea of management succession, and that the Vice-Chair was an ideal candidate to take over as Chair, with an "heir apparent" behind that. [If elected] Mr. Nedimyer would then be Chair, and he said Mr. Bergh kind of volunteered to be Vice-Chair.

Chair Popham went on to say officers could serve two [consecutive officer] terms, and he had exceeded this limit.

Ben Daughtry nominated Mr. Nedimyer for Chair; this was seconded by Bill Kelly. [Mr. Nedimyer accepted the nomination.]

Mr. Nedimyer then nominated Mr. Bergh for Chair, saying he thought Mr. Bergh had the best grip on the issues, and that he had a lot of respect for him. This was seconded by Mr. Makepeace.

- Mr. Bergh felt as an employee of The Nature Conservancy (TNC), there could be a perception of TNC having undue influence, so he declined the nomination for Chair.
- He had a good point, Mr. Nedimyer agreed.
- Chair Popham said he respected that view, and noted Mr. Bergh had a valid concern.
- Dr. Hawtof said the same problem could be said of anyone here.
- Chair Popham agreed, and reviewed, from his observations from going to the annual national SAC Summits of chairs and coordinators, the makeup around the country of the seats represented by Chairs, which had changed over the years. Some were from nongovernmental organizations or business, but many were from science or education. He said it was a mixed bag. Every SAC has different seats. There were no additional nominations for Chair.

For Vice-Chair, Mr. Moe nominated Mr. Bergh; this was seconded by Mr. Makepeace.

- Mr. Bergh accepted the nomination.
- There was discussion about a concern some people raised about if Mr. Bergh became Chair after one term, and also about SAC term limits.
- Ms. Ferguson reviewed the current state of affairs on SAC term limits. A person would have to be a SAC member to be a SAC officer. The term limits on members has not gone into effect for this SAC yet; it will when the charter gets revised. The term limit policy as listed in the (Office of National Marine Sanctuaries [ONMS]) handbook would go into the revised version. A person would be limited to representing a given SAC seat, whether as member or alternate, for three consecutive terms, should he/she choose to keep applying for additional terms. That would be [a maximum of] nine years [if appointed for those terms].

Mr. Bergh nominated Mr. Daughtry for Vice-Chair. He remarked on the potential of having a Chair and Vice-Chair both representing conservation. This was seconded by Leah Wilde-Gould. [Mr. Daughtry accepted the nomination].

- Both Mr. Nedimyer and Mr. Daughtry brought up the potential concern of possibly having the former and current marine life collector as officers.
- Chair Popham did not think [these potential issues] were that big a deal at this point.

Mr. Nedimyer nominated Dr. Boyer for Vice-Chair; this was seconded by Jessica Pulfer.

- Chair Popham remarked having several candidates as Vice-Chair meant they could work their way up in a succession plan.
- Mr. Bergh felt the idea of a succession plan was nice, but people could come and go, move away, etc.
- Several SAC members agreed this was not set in stone. Chair Popham also agreed, saying it was just an intention to have some continuity.
- Dr. Boyer asked about time demands.
- Chair Popham said he spent about 20-40 hours per month as Chair, varying depending on what was going on, when the meetings are, etc. He said it was not unmanageable.

- Ms. Ferguson explained what the Vice-Chair duties had been, at least over the last five years. The Vice-Chair takes over when the Chair cannot be present, and participates in the recommendations for new members.
- Dr. Boyer accepted the nomination.

Mr. Grathwohl nominated Dr. Hawtof for Vice-Chair; this was seconded by Mr. Bergh. Dr. Hawtof accepted the nomination.

Ms. Pulfer nominated Mr. Makepeace for Vice-Chair; this was seconded by Ms. Garlo. Mr. Makepeace accepted the nomination.

Chair Popham outlined that primary voting members and agency representatives would have a vote at the April meeting, done by paper ballot and by majority vote, which would be tallied and the results reported on at the meeting. It would be his last meeting. Primary members not at the April meeting may submit an absentee ballot. Ms. Ferguson will get instructions out to people, he said. **ACTION ITEM:** Ms. Ferguson to disseminate SAC officer election and absentee ballot information prior to the April SAC meeting.

SAC Communications Training for FKNMS Marine Zoning/U.S. Fish and Wildlife Service (USFWS) Backcountry Management Plan/Regulations Review Process – Chair Popham, SAC, and Mr. Morton and Mrs. Tagliareni, FKNMS

Mr. Morton said this part of the agenda was to enable the SAC to talk, answer the public's questions, and steer people to the FKNMS web site. He hoped SAC members would talk to as many people as possible about how to comment, about public scoping meetings, and about FKNMS. Some people have basic questions about FKNMS does, how it got here, and about what the agencies were about to go through with the zoning and regulations. He said the education and outreach team and others worked hard to put together a toolkit, which was provided to the SAC (in blue folders). He briefly reviewed the contents of the toolkit, then talked about the groups he and Bruce were going to. He said he wanted the SAC to do the same, and to saturate groups with the messages. He mentioned the FKNMS web site for this review process; it went public last week and more would be added to it.

Chair Popham said some of the information came out of his presentation at last year's SAC Summit. He commented he gave this presentation in Marathon, and mentioned the SAC members who lived in the area, to make the local connection. He also noted he liked to let people read what was on the slides for themselves.

Mr. Morton encouraged people to insert their names and contact information when giving the presentation. He mentioned again that part of this is talking about changes to the backcountry management plan. He said Ms. Morkill would talk about what that meant, changes to the Backcountry Management Plan, and how that fit into the process in the afternoon. He said the presentation was meant to be about fifteen minutes long, with questions throughout.

In role-playing giving the presentation to a group, Mr. Morton and Chair Popham introduced themselves, and explained when FKNMS was designated, where it is, and what is managed. They described the co-trustee arrangement between NOAA and the state of Florida, and the percentages of the sanctuary in state and federal waters. They also talked about the Great White Heron and Key West National Wildlife Refuges, including when they were established and for what purpose. These are existing management areas/zones within FKNMS, and have National Wildlife Refuge regulations. Chair Popham said, in some cases, the birds have moved, so some of the areas may change and go back to public access. Mr. Morton discussed the Key Largo and Looe Key National Marine Sanctuaries, and that FKNMS was made by an act of Congress. It provided for developing a management plan cooperatively with the public and forming a SAC. The law also provided for temporal and geographic zoning. Essentially, there have been no

changes since 1997 to the zones; the only change has been the addition of the Tortugas Ecological Reserve in 2000. Chair Popham said the SAC model spread from the first SAC ever created at FKNMS, because of the success of what was done here in the Keys. Mr. Morton then went through the zone types in FKNMS and what is/is not allowed.

- Dr. Boyer said the different uses in the different areas were what people wanted to know. He thought the information should be in frequently asked questions.
- Mr. Morton agreed it was a good point and maybe that should be in the frequently asked questions more explicitly. He said there was a whole section on the web site devoted to describing the zones and where they are. Mary Tagliareni said she got it. **ACTION ITEM:** Mrs. Tagliareni to consider including information about the zones in frequently asked questions posted on the FKNMS web site.
- Chair Popham said they may come up with new areas.

Mr. Morton explained the types of things FKNMS regulates. He encouraged people to go to the website to learn about the zones throughout the sanctuary. He then discussed the Condition Report, released in October 2011. It documents the pressures in the Keys, which have built for over a century, and the state of the resources. In many cases the resource states are not good. It documents how things like vessel groundings have negatively impacted resources, but are things that can be changed. He reviewed that the Condition Report could be downloaded from the web site, or people could contact one of the FKNMS offices to get a CD of the report. This report drove a lot of the goals, objectives and principles the SAC adopted, he said.

- Mr. Grathwohl mentioned he had been pushing adaptive management, and that there were areas that needed restructuring that wouldn't be a five or ten year review and could be addressed right then.
- Bob Smith asked about measuring the success of the sanctuary, as opposed to the problems to work on. He was interested in how to get to the end result of positive impacts on the environment.
- Mr. Morton recommended consulting the Condition Report for more detail. He mentioned the examples of wastewater treatment and Ecological Reserves.
- Chair Popham suggested also pointing out what would have happened if FKNMS had not put in 750 mooring balls, or if oil and gas exploration had been allowed in the Keys, among other examples. He would like to see it a lot better, but FKNMS is using adaptive management to work through it now, he said.
- It is not all regulatory, Mr. Morton stated. There is also a lot of education by the sanctuary and its partners about how to better protect the resources.

Chair Popham talked about the economic impact, and who is on the SAC. These are your neighbors and friends, and they have a tremendous amount of historical knowledge. He showed some information and data about how the marine environment is our economy. He asked where the people in the businesses would be if the resources were not maintained, and mentioned the impacts of boating. He also provided data about jobs related to the environment in the Keys.

- Dr. Lorenz said this was very helpful information; he commented he thought there had been an update.
- Mrs. Tagliareni said it was on the CD in the SAC's training packets.
- Mr. Morton said there was also a link on the bottom of the one-pager and on the FKNMS web site to the FKNMS socioeconomic information. He added another group that summarizes this data well is the Tourist Development Council.
- Dr. Boyer said this was direct use value, and non-use value had not been quantified, but coming up with non-use was done in Hawaii. He said the actual value of ecological services was being underestimated without having the non-use value. He said it would be included in a report in the future.
- Mr. Morton said they wanted to focus on known economic numbers, such as with the fishing industry, in Monroe County.

- Mr. Grathwohl said Everglades restoration should be included also, as the President had authorized money in the budget.
- Chair Popham said to keep in mind, they were trying to keep this at a fifteen minute presentation.

Mr. Morton provided a summary of the overarching guidance from August 2011.

- Mr. Bergh commented it would be good to explain the purpose of the sanctuary is to protect natural resources for people.
- It is in the mission statement, Chair Popham pointed out. He and Mr. Morton both agreed the PowerPoint presentation could be adapted.

The public scoping meetings will start soon, Chair Popham said, in June 2012 in the Keys and south Florida he said public input would be sought. Mr. Morton said that was the biggest point of this outreach, to get people to comment. People could sign up on the mailing list on the FKNMS website for more information. He provided the locations of the scoping meetings. Early public comment will be input for the SAC's recommendations for changes.

- Suzy Roebing asked about the under-representation of non-extraction zones.
- Some discussion followed about the zones not being linked or connected, and the issue of connectivity.

Mr. Morton said what people wanted this marine environment to look like in 20 years was what we wanted to get at, and he said we would be getting into that as part of the process. The final slide of the presentation pointed back to the website, and asked people to contact their Advisory Council Representative; it is important for folks to understand who their representative is and get in contact with him/her, he stated.

- Mr. Grathwohl said people from the Lower Keys Guides Association felt like they were being regulated out of business, and he explained to them this was to preserve their business. He also explained a lot about the structure.
- There was discussion about this being an opportunity for people to make their cases, as well as about carrying capacity for different areas, illegal activities, and the toll on marine resources from pollution.
- Chair Popham referred to a concept introduced to the SAC at an earlier meeting, the circle of concern vs. the circle of influence, and reminded the SAC to concentrate on the circle of influence/the things they could work on here.
- Mr. Makepeace offered to SAC and staff members if did not want to make a presentation alone, he could join them, if he is available. Mr. Bergh and Ms. Garlo also offered to do this with other SAC members.
- Ms. Roebing asked about what was really going to happen, and how things would be implemented and monitored.
- Mr. Morton recommended looking to what had happened since 1997, and said there were different types of monitoring programs for different species and habitats, inside and outside zones, etc. In 1997, FKNMS came up with a science plan, which included research and monitoring. He also talked about effectiveness and the need to adjust things if there was a problem.
- Ms. Garlo offered to coordinate outreach efforts with other SAC members on a conference call.
- Chair Popham said FKNMS was trying to coordinate somewhat through Mrs. Tagliareni.
- Mr. Morton said he wanted to know where people had reached out.
- Mr. Makepeace asked about more a detailed schedule of scoping meetings.
- It is on the website, Mr. Morton said. He also thought the "bubble chart" timeline was there.
- Mrs. Tagliareni said it could be put on the website if not already there. **ACTION ITEM:** Mrs. Tagliareni to ensure the "bubble chart" timeline is on the FKNMS website.
- In response to a question, Mrs. Tagliareni described the contents of the CD provided to the SAC.

- Ms. Pulfer said perhaps a list could be made of who was willing to talk and who lives near each other.
- Mr. Morton affirmed he wanted the process to be as coordinated as possible, and would work on it.
- Dr. Hawtof asked how many people knew how to get to the website; he felt not many knew about it.
- Efforts to publicize it in the media, in publications, at festivals, and other venues were reviewed.
- Don Kincaid advocated the need to get to visitors before they get here, letting them know the sanctuary exists.

As an aside after the conclusion of this topic, Chair Popham remarked Mr. Morton was recognized as the best manager in the sanctuary system recently. Everyone applauded.

Agency Report Highlights

Vice-Chair Nedimyer apologized for the delay in starting late after lunch. He said Phil Goodman was going to do his report early, as he had to leave the meeting early.

United States Coast Guard (USCG) Report – Mr. Goodman, USCG Auxiliary

Mr. Goodman said the USCG responded to seven pollution reports in FKNMS since the last meeting, and two were federalized, and they had three enforcement cases against responsible parties. Also, the U.S. Navy had to jettison about 4,000 gallons of jet fuel the week before the SAC meeting, on approach at night to Boca Chica, and there was no possibility of recovering any of the fuel.

The USCG, the Coast Guard Auxiliary and partner agencies are continuing to refine the Area Contingency Plan, primarily in case of a future potential oil spill. They had a report from Capt. Pat DeQuattro on what was going on in terms of oil exploration and development. During Deepwater Horizon, hundreds of people in this community tried to volunteer. Nobody was really qualified in anything. Now, the Coast Guard Auxiliary is training auxiliaries as pollution responders, which will allow them to do many things working with the USCG and others. They also want to do a program with the general public in the future. So, right now, if people want to join the Auxiliary, they can get trained in pollution response. He said this included vessels of opportunity; they are trying to get a list of those people who would want be considered for volunteering in this way if a spill happened.

- Mr. Kelly said there were approximately 30 vessel operators within the Florida Keys Commercial Fishermen's Association (FKCFA) who were HAZMAT certified and trained with boom towing and other things who could help if they were called on.
- Mr. Goodman said he would contact him to get some preliminary information about this. **ACTION ITEM:** Mr. Goodman to contact Mr. Kelly to get information about FKCFA people trained in oil spill response.

SAC Communications Training (continued) – Mr. Morton and Mrs. Tagliareni, FKNMS and Ms. Morkill, USFWS

Mr. Morton said Ms. Morkill was going to talk about the Backcountry Management Plan and the Comprehensive Conservation Plans (CCP) for National Wildlife Refuges and how this was going to be integrated in the review process. He said Ms. Morkill was going to review this.

Ms. Morkill pointed out there was a on page fact sheet about what she would go over today, as well as other related documents on the CD. She said she would go over the National Wildlife Refuge (NWR) System, a history of the Florida Keys Refuges, challenges and opportunities addressed by the backcountry management plan, and how they could move forward in this review. The NWR System started by Theodore Roosevelt in 1903 with an island in Florida becoming a refuge. The National Wildlife Refuge System Improvement Act of 1997 amended some other law and clarified the organic foundation of the system. It is a network of lands and waters across the U.S. and territories, for conservation, management, and restoration of fish, wildlife and habitats. It is where wildlife comes first. NWRs are primarily to

protect wildlife; public uses are secondary. Public uses are categorized as wildlife dependent or compatible with the reasons the refuges were established. Priority public uses that are compatible include hunting and fishing, wildlife observation, photography, environmental education and interpretation. There are over 550 NWRs across the country and more in Hawaii and other places, she said.

There are four units in the Florida Keys NWR Complex, the National Key Deer Refuge (where the headquarters are), the Great White Heron NWR, the Key West NWR, and the Crocodile Lake NWR. She briefly reviewed the history and purposes of each, including the species they were designated to protect. The Florida Keys Wilderness Area was designated in 1975, and includes 6,200 land acres – all islands of the Key West NWR and several islands of the Great White Heron NWR and National Key Deer Refuge. This is another level of protection that can be applied, she stated.

Ms. Morkill provided a list the federal threatened and endangered species in the Florida Keys and mentioned some that would be listed. She described the habitats in the refuges, and noted refuge regulations really only applied from mean high tide and above. The state of Florida has management authority and ownership of the waters and submerged lands below high tide. An agreement between the state and the USFWS, commonly referred to as the “backcountry management plan,” was signed in 1992, granting the USFWS the authority to apply federal laws to manage certain state submerged lands and waters, to minimize impacts of expanding public uses of wildlife and wilderness boundaries. The agreement provides for regular updates and reviews. It is up for review in 2017; it was a 25 year plan but has never been updated, she said.

The agreement/plan established idle speed, no motor, and no access zones at specific islands. It also prohibits personal watercraft (jetskis), airboats, hovercraft, aircraft landing and water skiing throughout all of the Key West NWR and most of the Great White Heron NWR. No motor zones are mostly around tidal creeks, and there are some no entry zones near critical nesting habitats on islands. Now is the time to make this a seamless, three-way agreement, she said. FKNMS encompasses the entire Florida Keys ecosystem, and within it, the NWRs are recognized as Existing Management Areas.

The CCP is equivalent to the FKNMS Management Plan, and includes step-down management plans on things like enforcement, education, and backcountry management. Each plan has objectives, strategies and action items, she said. It is online and there will also be a link to it on the FKNMS website.

She went through some of the issues at the NWRs, including things like camping and dogs on beach where those things are not allowed, the establishment of “party grounds”, and vessels that bring out jetskis in areas they should not be. In the 1990s, they FWS started to develop a commercial management plan, which was never completed. Different groups bring clients to the islands, and if islands are used for commercial purposes, that needs to be addressed.

Ms. Morkill said hurricanes also change things, such as wiping out areas that used to be managed for bird use. So, some areas might be de-designated, or some things might be managed through seasonal restrictions, such as at Boca Grande, which has closed and open areas. She said Sand Island (Wilma Key) was designated for bird habitat, but it moved and no longer serves that function. In another example of learning about resource uses and changes, a sea turtle distribution study found turtles in places they did not realize they were, in the water in the Marquesas.

Ms. Morkill said it made sense for USFWS and FKNMS to do this process together, and move forward.

Mrs. Tagliareni introduced herself as the Deputy Superintendent and the FKNMS education and outreach lead. She reviewed the contents of the blue SAC folder, including a “one-pager”; the outreach presentation from the morning session, a socioeconomic fact sheet, frequently asked questions, a CD, and

the information Ms. Morkill referred to. Some things are included just on the CD and web site, such as the Condition Report and a Condition Report poster. She suggested SAC folks look at the CD before going out to give a talk.

She then reviewed the Marine Zoning and Regulatory Review section of the FKNMS web site, including how to get to it from the home page. She described how people could get involved, including signing up for marine zoning and regulatory review email updates through the website. This will not be an interactive listserv; she and Mr. Morton are the ones who may post to it, and she is the listserv administrator. Once someone subscribes, he/she will get an email confirmation. Each page has a “for more information” section. She also reviewed the page that shows the marine zones, what they are, what is/is not allowed, the mapping capabilities, and the frequently asked questions.

- Dr. Boyer commented FKNMS was preaching to the choir, and he encouraged thinking about an alternate method of getting the information out.
- Corey Malcom said people would want to give feedback right away, and he asked how to collect the feedback and what to do with it.
- Mr. Morton replied as we get closer to scoping, which is supposed to start May 1st, handouts would be available. He asked people to hold onto feedback for now. He explained there was a formal way the government could take comment, on regulations.gov, or people could make a hard copy comment. He said it was best to wait for the scoping period because there is a defined start and finish, to get all the comments as a package. He would never want to discourage someone from commenting, but it is a delicate balance. He said to always encourage folks to come to SAC meetings, and there was always public comment at those. He said if someone wanted to raise something but could not come to a SAC meeting, perhaps an issue unrelated to zoning, but which was raised by a SAC member presentation, the person could send a letter to Mr. Nedimyer, Mr. Popham or even the staff and it could be distributed to the SAC list. He said the public process was never stopped, but bookends were needed to make it manageable.
- Mr. Malcom said he thought people would come to them (people on the SAC) and expect to say their piece and that's it.
- Mr. Morton said that was the point of the scoping meetings, for people to be able to speak and share what they felt FKNMS had been doing right or wrong. He then went through the SAC page on the website, including how to find members. The marine zoning goals, objectives and principles are included on the website.
- Mrs. Tagliareni said the website was not static; for example, it would soon have the backcountry management plan one pager on it. SAC members could make suggestions for changes.
- Mr. Morton encouraged folks with websites to include a link to the FKNMS website.
- Mrs. Tagliareni said she was the one who answered the general inquires coming through the website. She said she sometimes got asked if FKNMS could link back to commercial sites; the answer is no, unless it is a Blue Star operator.
- Mr. Bergh asked how much SAC members should mention potential boundary changes, as he did not hear this mentioned much during this meeting.
- In a sense the boundary is a zone, and the zones within it have special regulations, Mr. Morton said.
- Mr. Moe asked if the boundary was set by Congress and if it would have to be changed the same way.
- Mr. Morton said it was set by Congress, but boundaries are set into the regulations, which can be changed, as when the Tortugas portion of the sanctuary was added.
- There was some further discussion about making it clear what Congress intended the purpose of FKNMS to be, when SAC members do outreach. There is language in the policies and purposes document and also in the National Marine Sanctuaries Act and the Florida Keys National Marine Sanctuary that could be used, Mr. Morton and Ms. Ferguson noted.
- Mr. Morton requested that FNMS wanted a list of who people were going to speak with, so SAC members should send an email to Ms. Ferguson when the plan to speak at large or formal meetings; it is

not necessary to do so if talking to a neighbor. ***ACTION ITEM:*** SAC members to email Ms. Ferguson when planning to speak at a large or formal meeting on the FKNMS-USFWS zoning and regulatory review. He asked people to let him know if a projector was needed or if a SAC member needed a staff person to go too.

- Mr. Kincaid mentioned his constituents wanting to know specifics, such as where they can spearfish, or they want to talk about recent hogfish changes. He also said people like him and Mr. Smith can overlap.
- Mr. Smith said he had thought about that, but both of them could still participate in a Rotary meeting; one of them could make the contact, and they could go together.
- Mr. Moe said homeowners associations might be interested.
- Mr. Morton said he would follow up with an email saying how to make a suggestion to Ms. Ferguson, what type of group, etc. ***ACTION ITEM:*** Mr. Morton to send an email to SAC members letting them know how to suggest an outreach speaking opportunity to Ms. Ferguson.
- Mrs. Tagliareni asked people to let her know (with a little notice), if any copies of anything were needed, and Mr. Morton mentioned the availability of brochures, including the FKNMS regulations and Blue Star.

Vice-Chair Nedimyer remarked, as an aside from this topic, that John Halas was retiring.

- Mr. Morton confirmed Mr. Halas was retiring as a federal employee at the end of March. He hoped everyone got the invitation to the retirement party at the Elks Lodge in Tavernier. He said FKNMS may get Mr. Halas to participate in additional SAC meetings or work groups.
- Mr. Halas said, as he listened to what FKNMS was about to get into, it took him back to formation of the Key Largo National Marine Sanctuary, how Pennekamp got rolled back to the three mile limit, Looe Key National Marine Sanctuary came along, etc. He mentioned areas considered for sanctuaries and how Dante Fascell said to make the whole thing a sanctuary. He said here is FKNMS looking at zones [again]. He said he enjoyed his run of 31 years, and he would still be around and involved.

Public Comment

There was none.

Review Draft Scoping Notice for FKNMS Marine Zoning/USFWS Backcountry Management Plan/Regulations Review Process – Mr. Morton, FKNMS

Mr. Morton said he put together a description of what would be contained in the scoping notice for the SAC to review. He described what a scoping notice was, and in this case, said we are focusing on marine zones and regulations in the National Marine Sanctuary. He noted it would be a joint notice with the USFWS and NOAA. The non-bolded language is standard language the lawyers require, and the bolded language can be added; he asked for head nods about language that will be included. He went through the different subsections of the notice, explaining what they would contain. One part was a description of the SAC, what it does, and its verbatim goals, objectives and principles. In the notice, people were encouraged to contact council members, as they serve as liaisons to the community.

- Mr. Bergh said mentioned that he felt the SAC was to understand the details of the scoping process, and so would just be pointing people back to the scoping notice.
- Mr. Morton hoped different constituencies could contact the SAC members representing those constituencies with questions. He said the formal contacts in this notice, for people to make comments to, were him and Ms. Morkill.
- There was some discussion on this; one thing a SAC member could do is to listen to the concern. If they were not aware, they could be pointed to the scoping links.

Mr. Morton mentioned the website would be in the notice, and asked that people making inquiries be steered to the link on the site to get on the mailing list. He said we could not set up the SAC to take comments in that way. He continued to review the notice, going through the reasons for undertaking the

review, the need to determine the scope of issues, and reviewing the boundaries, zoning scheme, and backcountry management agreement. He said either an environmental assessment or environmental impact statement would be prepared after the scoping period closed.

- Debra Illes said she had not been familiar with scoping meetings and this type of process previously, and asked if a person had to be there at 4:00 PM, and she wondered what would be covered. It would be helpful, she felt, to describe the format and timeframe in the notice.
- Mr. Morton agreed a description of how scoping meetings were run might be good. He explained he and Ms. Morkill would give a short description of why they were having a meeting, then the public will be broken up into groups, with SAC members assisting with notetaking and facilitating. Later, the groups would come back for a summary. If it worked, this could be done two or three times each scoping meeting, which would usually last 3-4 hours.
- Ms. Illes asked if the draft Mr. Morton was reviewing would be the basis of press releases on the scoping meetings, and he said it would, but it would be more user friendly. He also said there would be posters and advertisements.
- She then mentioned a place in the notice that referred to five reasons and had the phrase, “degraded resources.” She felt that term could put people on the defensive, and wondered if “degraded” could be removed, to keep it positive.
- People do need to know, though, he replied.

He finished his review of the draft notice by reviewing the dates and locations of the scoping meetings, June 19-21 and 26-27.

- Ms. Garlo said if there would be two rounds and small groups, it would be helpful to say that in the notice, so people would know the structure.
- Mr. Morton took her point, and said he could describe how a meeting would happen. However, he said if it was detailed, then FKNMS would be legally held to it.
- Dr. Boyer asked about how FKNMS would get the word out in areas like Ft. Myers.
- Mr. Morton and Mrs. Tagliareni mentioned their plans; said staff work is going on behind the scenes.

Sanctuary Superintendent’s Report – Mr. Morton, FKNMS

Mr. Morton said his big item had been about Mr. Halas. One thing coming up before the next SAC meeting was consideration by the NOAA National Marine Fisheries Service (NMFS) of potential listing 82 or 83 corals under the Endangered Species Act. The main one here is *montastrea*. Mr. Nedimyer and others mentioned some other corals. Mr. Morton said NMFS would be seeking public comment. It would add another layer to any federal action that had the potential to affect these corals, and could make it a lot harder to do restoration actions as well as permitting actions that have the potential to affect these corals. This was supposed to have been announced by Lauren Lugo, the SAC agency representative for NMFS, but she was unable to be at this meeting. He said he would let the SAC know when the proposal was out for comment. **ACTION ITEM:** Mr. Morton to let the SAC know when the NMFS proposed listing of more corals under the Endangered Species Act was announced for public comment.

Agency Report Highlights Cont.

FWC Report – Mr. Hunt, FWC

Mr. Hunt said he had sent his report to Ms. Ferguson and asked her to pass it on to the SAC. **ACTION ITEM:** Ms. Ferguson to pass Mr. Hunt’s FWC report on to the SAC via email. He reported that there was a Commission meeting a few weeks before the SAC meeting. The day before it, there was a workshop on the stock assessment process. There was a PowerPoint that might be useful for people to better understand the process. The commissioners sort of half adopted the federal gag grouper rules for the Gulf of Mexico, but also voted to open four Panhandle counties in state waters to gag grouper fishing for April through June when federal waters are closed for gag grouper fishing.

He also said the FWC economist in Tallahassee just finished an economic valuation of boating and marinas on a statewide basis. Ms. O'Keife will forward a link to him which he will forward to the SAC.

ACTION ITEM: Ms. O'Keife to email a link to an FWC valuation study to Mr. Hunt, who will forward it to the SAC.

National Park Service (NPS) Report – Tracy Ziegler, NPS

Dr. Ziegler said it had been a little over a year since implementing the Snake Bight poll and troll zone in Everglades National Park. Some public meetings are coming up soon to update the public about the status of the zones over the first year; one is on March 5 in Homestead and one is on March 8 at the Monroe County government center. Besides having an update on the zones, including about compliance, they are interested in feedback from the public on what is going on in that area. There will also be a General Management Plan update, she said.

- Mr. Barras asked about a link Mr. Moe had provided regarding pythons, and the NPS plan to get rid of them.

- Resources managers go out periodically in Everglades National Park to eliminate all the pythons they can see, she said, and they also work with partners on these efforts. They are also looking into the possibility of a legislative change regarding the species may be imported into Florida from other countries.

- Mr. Kincaid asked about a bounty, and said there should be one.

- Dr. Ziegler was not sure if there was one or not. She said pythons were typically dumped off by people in the Everglades, but they were everywhere in Florida now.

NOAA Office of Law Enforcement (OLE) Report – John O'Malley, OLE

Special Agent O'Malley said reviewed one of Kenny Blackburn's cases. Scott Greager, owner of Holiday Seafood, was sentenced. He received three months in prison for his act of laundering lobster, which, along with other fishermen, was an overharvesting of lobster. Mr. Greager incorrectly reported his lobster landings and under reported them, which was a Lacey Act violation.

On January 3, a case of four lobster divers was scheduled for trial. Before the trial, Rush Maltz and Titus Werner took a plea. They were looking at unlawful use of a commercial dive license over the limit of harvesting lobster, and unlawful harvest. As part of the arrangement, they are removing all casitas they have in the water, over 200. They will be doing that at their own cost up until their sentencing.

The Friday before the SAC meeting, they filed information on two more lobster divers out of Key West, which Special Agent O'Malley felt would probably go for a plea. The case regards placing materials on the seafloor without a permit, harvesting off the material, double and triple tripping, and taking over the limit of spiny lobster.

Due to these investigations, they have identified approximately 450 casita sites which are being removed as part of the overall arrangements. To date, approximately 2000 casitas have been removed or are in the process of being removed from the Gulf of Mexico.

They have been getting a lot of requests from charterboat fleet about what they can and cannot sell, and what commercial permit holders can and cannot do. There are limits, and they have been working on making a list, which will be available for anyone who wants it. The sale of dolphin off charterboats will end soon, per the SAFMC, he announced as a heads up.

Special Agent Blackburn said a 20-yard dumpster was filled with removed casitas, and Mote took some of the small hard corals from the materials for a project. With Mr. Greager's case, they proved with the

trip ticket reports and checking account information that he did not report thousands of lobster landings to the state of Florida. They decided to plea due to the quantities taken between 2006-2008.

FWC Report Cont. – Capt. Pat Langley, FWC

Capt. Langley reported FWC made a case on a Tennessee father and son charged with harvesting live coral with a hammer and chisel at Alligator reef lighthouse. The corals were found on the boat and on the bottom in bags. They were charged with possession of hard stony corals, and possession of marine life without a circulating live well, and over the recreational bag limit for marine life. Snorkelers from a charter dive boat saw them doing these activities. The USCG assisted with this case, he said.

He said they still get some spearfishing in the Sanctuary Preservation Areas, especially in the upper Keys.

For December and January, there were 21 groundings with seven federal citations issued. People may have heard of the case of a recreational dive boat which swamped at Molasses reef.

The Lieutenant and officers in the lower Keys got the team of the year award for Florida for all the cases they made this year. He gave statistics on the violations they handed out. Also, one of the officers in that team was put in for FWC officer of the year for Monroe, [Miami-]Dade and Collier Counties.

USFWS Report – Ms. Morkill, USFWS

Ms. Morkill passed on providing a report.

As an aside, Lt. Rob Foos of the USCG, in the audience, introduced himself. He goes to the SAFMC, the Caribbean Fishery Management Council, and also the Gulf of Mexico Fishery Management Council.

Upcoming Meeting and Closing Remarks – Vice-Chair Nedimyer, SAC

Next SAC meeting is at the Marathon Government Center in Marathon on April 17, Mr. Nedimyer said. Topics will include a report back from everyone that went out to speak to the community, who talked to who, how many people, etc. The officer elections will take place. Also, Mr. Morton will discuss staffing plans for the scoping meetings. He asked if there were questions or comments.

- Mr. Daughtry remarked Mr. Moe was mentioned in the Divers Alert Network magazine, as well as Mr. Nedimyer, FKNMS, and *Diadema*. This was good exposure, he said.

- Mr. Grathwohl said on the news on Channel 4 at 11:00 PM, the night before the SAC meeting there was a segment on the Florida Coast, and there would be one on the Bahamas the evening of the SAC meeting.

Mr. Nedimyer referred to the officer elections, and that he had nominated Dr. Boyer, who is an alternate. Unfortunately, the charter states primary members are eligible to be officers. He said if someone else wanted to make a nomination, they could. He apologized to Dr. Boyer.

Mr. Grathwohl nominated Ms. Garlo for Vice-Chair, seconded by Mr. Bergh. No one knew if she would accept the nomination; Ms. Ferguson said she would check with her. **ACTION ITEM:** Ms. Ferguson to follow up with Ms. Garlo to determine if she would accept the nomination for Vice-Chair. Ms. Ferguson reminded the SAC she would send out the voting information prior to the April SAC meeting, and it would include the names of all those who accepted the nominations.

Adjourned, 3:54 PM